IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T & I. J.

NOTICE OF MOTION NO.55 OF 2005
IN
SUIT NO.21 OF 2005
IN
PETITION NO.711 OF 2004

Mohan G.Rane .. Petitioner

Vs.

The Secretary,
Anjana C.H.S.Ltd. .. Respondents

Mr.T.G.Vora with Ms.Bina Shivhare for the respondents

Mr.Rajesh Datar for the petitioner

CORAM : S.U.KAMDAR, J

DATED : 12TH AUGUST, 2005

P.C.:

1. The learned counsel for the petitioner states that the flat bearing no.A/15, Anjana Co-operative Housing Society, Pestam Sagar Road No.6, Chembur, Mumbai 400 089 is in use occupation and possession of the petitioner and he undertakes to this court not to alienate, encumber or create third party right or part with possession thereof till the hearing and final disposal of the

petition.

2. In so far as property situated at Bhavani Shankar Road, Dadar (West), Mumbai 400 028 is concerned, he states that he will open separate bank account with Mumbai District Central Co-operative Bank Ltd., Chembur Branch and deposit all the income received from the said building including the rent and shall withdraw the same only towards the statutory charges such as water charges, electricity charges and property tax etc. However, he will be at liberty to apply for all expenses towards the repairs of the said building if and when so found necessary. He further undertakes to this court that he will not transfer any tenancy in the said building and furnish the list of the tenants in respect of the said building to the respondent no.1 and 2 within one week from today. In so far as Rs.6,70,000/- being the amount lying in Savings Bank A/c No.977 with respondent no.3 herein i.e. C.K.P.Co-operative Bank Ltd. as also in the Mumbai Dist.Central Co-op.Bank, the same shall be deposited by the said bank with the Prothonotary and Senior Master within 4 weeks from

today and on such deposit, Prothonotary and Senior Master shall invest the same in Fixed Deposits initially for a period of 3 years and renew the same from time to time along with accrued interest till further orders.

3. In view of the aforesaid orders, petitioners do not pray for any other relief save and except Respondents are directed to give details of the sum of Rs.2,50,000/- withdrawn by him and produce the passbook of the bank account and give inspection of all the documents on which he has relied upon towards the said expenditure of Rs.2,50,000/-. Motion disposed of accordingly. No order as to costs.